

REMARKS

The Office Action dated December 24, 2008 has been received and carefully noted. The above amendment to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claim 14 has been amended to more particularly point out and distinctly claim the subject matter of the invention. Support for the amendments can be found in, at least, the last paragraph on page 8 of the specification. No new matter is believed to have been added. Claims 1-31 are currently pending and are respectfully submitted for consideration.

Reconsideration and withdrawal of the objections and rejections is respectfully requested in light of the following remarks.

Objection to the Claims

Claim 14 was objected to because of informalities. Applicants have amended claim 14 as suggested by the Examiner. Accordingly, withdrawal of the objection is respectfully requested.

Rejection under 35 U.S.C. § 102

Claims 1-17 and 21-31 were rejected under 35 U.S.C. § 102(e) as being anticipated by Agrawal (U.S. Patent Publication No. 2002/0083127). The Office Action

asserted that Agrawal discloses all of the elements recited in claims 1-17 and 21-31. However, this rejection is respectfully traversed for at least the following reasons.

Claim 1, upon which claims 2-12, 18-20, 23-24, and 26 are dependent, recites a communication system. The system includes a presence information unit configured to provide presence information associated with a plurality of users the presence information including a plurality of elements associated with each user. The system includes a storing unit configured to store information defining at least one group, the group containing a plurality of users. The system includes an information providing unit configured to provide second information defining for each user of the group which elements of the presence information are to be provided to a watcher. For at least one user of the group, the second information defines a subset of the elements of the presence information. The second information is definable by the watcher.

Claim 27, upon which claims 28-29 are dependent, recites a communication method. The method includes defining at least one group. The group includes a plurality of users with which presence information is associated. The presence information includes a plurality of elements associated with each user. The method includes defining for each user of the group which elements of the presence information are to be provided to a watcher. For at least one user of the group, the provided information defines a subset of the elements of the presence information. The method includes defining for each user

of the group which elements of the presence information are to be provided is preferred by the watcher.

Claim 30, upon which claims 13-17, 22, and 25 are dependent, recites an apparatus. The apparatus includes a storing unit configured to store first information defining at least one group. The group includes a plurality of users with which presence information is associated. The presence information includes a plurality of elements associated with each user. The apparatus includes second information defining for each user of the group which elements of the presence information are to be provided to a watcher. For at least one user of the group, the second information defines a subset of the elements of the presence information. The second information is definable by the watcher.

Claim 31 recites a communication system. The system includes a presence information providing means for providing presence information associated with a plurality of users. The presence information includes a plurality of elements associated with each user. The system includes a storing means for storing first information defining at least one group. The group includes a plurality of users. The system includes an information providing means for providing second information defining for the each user of the group which elements of the presence information are to be provided to a watcher. For at least one user of the group, the second information defines a subset of the

elements of the presence information. The second information is definable by the watcher.

As will be discussed below, Applicants respectfully submit that Agrawal fails to disclose, either expressly or inherently, all of the elements of the claims, and therefore fails to provide the advantages and features discussed above.

Agrawal discusses methods and systems to provide application level presence information in wireless communication. Specifically, Agrawal discusses systems and methods that provide application level presence data for wireless network applications, such as instant messaging (IM). (Agrawal, paragraph [0005]). The presence data in Agrawal indicates whether a user is available on a particular device in a wireless network. (*Id.*).

However, in claim 1, the “information providing unit [is] configured to provide second information defining...which elements of said presence information are to be provided to a watcher...and said second information is definable by the watcher” (claim 1, lines 7-9 and 12).

By at least the aforementioned feature of claim 1, because the watcher is able to define the second information for each user of the group, the watcher is able to control which elements of the presence information is provided to the watcher.

Applicants respectfully submit that the aforementioned features of claim 1 are not disclosed, either expressly or inherently, by Agrawal for at least the following reasons.

Fig. 1 of Agrawal illustrates that instant messaging can be provided between the mobile clients 102, 104 based on user presence data supplied by the presence server 108. (Agrawal, paragraph [0025]). For example, initiation of an application by the mobile client 102 is communicated to the presence server 108 as user presence “available”. (*Id.*). After the application is initiated, subsequent user presence data is used to update the presence server data to other presence conditions, such as unavailable, reachable, unreachable, etc. (*Id.*). According to Agrawal, it is the user that controls the presence data directly. (Agrawal, paragraph [0049]). For example, the user may wish to initiate an instant messaging application and remain invisible or otherwise change her actual status without changing the user presence data available to the application server and to other servers. (*Id.*). In other words, Agrawal describes a technique where the presence data is defined by the user to which the presence data relates and not by the user who receives the presence data.

As such, it is readily apparent that Agrawal is quite different from what is recited in claim 1. For example, in claim 1, the second information is definable by the watcher (claim 1, line 12). The second information defines for each user which elements of the presence information are to be provided to the watcher (claim 1, lines 7-9).

Because the aforementioned features of claim 1 are not disclosed, either expressly or inherently, by Agrawal, Applicants respectfully request that the rejection of

independent claim 1 be withdrawn and this claim be allowed for at least the reasons stated above.

Independent claims 27, 30, and 31, which each have their own scope, recites features similar to those recited in claim 1. Therefore, Applicants respectfully request that the rejection of independent claims 27, 30, and 31 be withdrawn and these claims be allowed for at least the following reasons.

Applicants respectfully submit that the dependent claims inherit the patentable features of their respective base claims, from which they depend upon. Therefore, Applicants respectfully request that the rejection of the dependent claims be withdrawn and these claims be allowed for at least the same reasons as their respective base claims, and for the specific limitations recited therein.

Rejection under 35 U.S.C. § 103

Claims 18-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Agrawal in view of Requena (U.S. Patent Publication No. 2007-0124471). Particularly, the Office Action asserted that the combination of Agrawal and Requena discloses all of the elements of claims 18-20.

Applicants note that the Office Action incorrectly identified Requena as U.S. Patent Publication No. 2007/0124471. The correct citation of Requena is U.S. Patent Publication No. 2007/0124472, as listed in the PTO-892 Form issued with the Office

Action dated August 8, 2007. Applicant respectfully requests that the Office correct this error in an attempt to clarify the record.

Regarding Requena, as alleged prior art, Applicants note that Requena was assigned to Nokia Corporation. The above-identified application was also assigned to Nokia Corporation. 35 U.S.C. § 103(c)(1) states, in part, “[s]ubject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f) and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.” (Emphasis added). For the purposes of United States law, a “person” may be a corporation. The only section of 35 U.S.C. § 102 that Requena potentially qualifies under is 35 U.S.C. § 102(e).

Because Requena and the above-identified application were subject to an obligation of assignment to the same person (e.g. Nokia Corporation) at the time the claimed invention was made, Requena is disqualified as prior art under 35 U.S.C. § 103(c). Applicants note that the above-mentioned statement is the acceptable according to MPEP § 706.02(I)(2), and the Office is not permitted to take positions contrary to the MPEP. Accordingly, withdrawal of the rejection is respectfully requested.

Conclusion

For at least the reasons discussed above, Applicants respectfully submit that none of the cited references, whether considered alone or in combination, disclose, either expressly, implicitly or inherently, all of the elements of the claimed invention. These distinctions are more than sufficient to render the claimed invention unanticipated and unobvious. It is therefore respectfully requested that all of claims 1-31 be allowed, and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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Enclosures: Petition for Extension of Time
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